

Maurice Gene Hand, Director of)	Application No. DC-71/
the Communications Department)	NUSF-53
of the Nebraska Public Service)	
Commission and Jeffrey L.)	
Pursley, Director of the)	
Nebraska Universal Service)	
Fund Department of the)	
Nebraska Public Service)	
Commission,)	COMPLAINT
)	
Complainants,)	
)	
v.)	
)	
)	
Qwest Corporation,)	
)	
Respondent.)	
)	Filed: March 2, 2006

COMES NOW, Mr. Maurice Gene Hand, Director of the Communications Department of the Nebraska Public Service Commission and Jeffrey L. Pursley, Director of the Nebraska Universal Service Fund Department of the Nebraska Public Service Commission (hereinafter "Complainants") for Complaint against Qwest Corporation, (hereinafter "Respondent") and alleges the following:

1. The Complainants are the Director of the Communications Department and the Nebraska Universal Service Fund (NUSF) Department of the Nebraska Public Service Commission (Commission) respectively.

2. The Respondent Qwest Corporation (Qwest) is a corporation organized and existing under the laws of the State of Colorado with its principal office located at 1801 California, Denver, Colorado, 80202. Qwest is engaged in

furnishing telecommunications services for hire throughout the state of Nebraska, both as an incumbent and, in certain areas, as a competitive provider. Qwest is a Nebraska Eligible Telecommunications Carrier pursuant to Neb. Rev. Stat. § 86-324 (2004 Supp.).

3. Jurisdiction is proper pursuant to Neb. Rev. Stat. § 86-101 (2004 Supp.) et seq., Title 291, Neb. Admin. Code, Chapter 5, Neb. Rev. Stat. § 86-316 (2004 Supp.) et seq., and Title 291, Neb. Admin. Code, Chapter 10.

4. On or about June 7, 2005, the Commission received a service complaint from a subscriber receiving service from Respondent in the Valentine exchange in Nebraska. The subscriber complained of humming, static, and general noise on the telephone line. Respondent was notified by staff of the complaint and sent a response on June 9, 2005.

5. On or about June 27, 2005, the Commission received a service complaint from a subscriber receiving service from Respondent in the Valentine exchange in Nebraska. The subscriber complained of static and other noise on the telephone line including other voices. Respondent was notified by staff of the complaint and sent a response on July 1, 2005.

6. On or about July 15, 2005, the Commission received a service complaint from a subscriber receiving service from Respondent in the Valentine exchange in Nebraska. The subscriber complained of static on the telephone lines.

Respondent was notified by Commission staff of the complaint and sent a response on July 15, 2005.

7. On or about August 4, 2005, the Commission received a service complaint from a subscriber receiving service from a competitive local exchange carrier leasing Respondent's facilities. The subscriber was located within the Valentine exchange in Nebraska. The subscriber complained of various service outages, the last outage lasting for approximately four (4) days. The subscriber further went on to complain that since May of 2005 the subscriber has not had phone service for a complete week without service outages. Respondent was notified by the Commission staff of the complaint.

8. On or about October 25, 2005, the Commission received a service complaint from a subscriber receiving service from a competitive local exchange carrier leasing the Respondent's facilities in the Valentine exchange in Nebraska. The subscriber complained of telephone cable lying on the ground exposed. Respondent was notified by staff of the complaint and sent a response on October 26, 2005.

9. On or about November 14, 2005, the Commission received a service complaint from a subscriber receiving service from Respondent in the Valentine exchange in Nebraska. The subscriber complained of an outage of telephone service lasting approximately three (3) days and an inability to maintain data line connections. Respondent was notified by the Commission staff of the complaint and sent a response on November 15, 2005.

10. On or about November 30, 2005, the Commission received a service complaint from a subscriber receiving service from a competitive local exchange carrier leasing facilities from Respondent in the Valentine exchange in Nebraska. The subscriber complained of a lightening strike on this telephone line occurring on or around July of 2005, resulting in poor dial-up modem connection service. Respondent was notified by the Commission staff of the complaint and sent a response.

11. On or about December 5, 2005, the Commission received a service complaint from a subscriber receiving service from Respondent in the Valentine exchange in Nebraska. The subscriber complained of telephone service outages of different durations, the most recent outage lasting approximately four (4) hours on December 5, 2005. Respondent was notified by the Commission staff of the complaint and sent a response on December 6, 2005.

12. On or about January 31, 2006, the Commission received a service complaint from a subscriber receiving service from a competitive local exchange carrier leasing Respondent's facilities in the Valentine exchange in Nebraska. The subscriber complained of static, voices, and other noise on the telephone line and intermittent service outages. Respondent was notified by Commission staff of the complaint.

13. The Commission continues to receive subscriber complaints of a similar nature to those listed in paragraphs 4 through 11 on an ongoing basis from Respondent subscribers in the Valentine exchange.

14. Because of the ongoing complaints and calls received from subscribers in the Valentine exchange, Complainant alleges Respondent has failed to resolve these complaints to the satisfaction of the subscribers.

15. Respondent has failed to resolve these complaints to the satisfaction of the Communications Department.

16. Section 2.02 of Title 291 Neb. Admin. Code, Chapter 5, provides in pertinent part,

2.02A Each exchange carrier shall provide adequate access line service. In determining whether the access line service provided by an exchange carrier is adequate, the Commission's consideration will include, but shall not be limited to, the adequacy of the carrier's plant and equipment, the number and nature of service interruptions, trouble reports, customer complaints, the nature of access line service offered by the carrier and the nature of the access line services desired by the public served. (Emphasis Added).

17. Section 2.08B provides in pertinent part,

002.08B Maintenance shall include keeping all plant and equipment in a good state of repair consistent with safety and adequate service performance.

Broken, damaged or deteriorated parts which are no longer serviceable shall be repaired or replaced...Electrical faults such as leakage or poor insulation, noise induction, cross-talk or poor transmission characteristics, shall be corrected to the extent practicable within the design capability of the plant affected.

18. On February 23, 2002, the Commission entered Progression Order No. 1 in Application No. NUSF-26 which incorporated a set of service quality standards which all eligible telecommunications carriers are required to follow. The Commission incorporated sections 002.02 and 002.08 as NUSF compliance objectives. Consequently, by violation of sections 002.02 and 002.08, Nebraska eligible telecommunications carriers are subject to Orders of the Commission withholding or reducing NUSF support.

19. The Complainants allege that Respondent named herein has repeatedly violated section 2.02 (Adequacy of Service) by failing to provide "adequate access line service."

20. The Complainants allege that Respondent has repeatedly violated section 2.02 by failing to install and maintain adequate plant in the Valentine exchange.

21. The Complainants allege Respondent has failed to employ sufficient resources to provide an adequate level of service quality to subscribers in the Valentine exchange and is therefore in violation of Neb. Admin. Code Title

291, Chapter 5, section 2.08, by failing to keep or comply with an adequate maintenance program.

22. The Complainants allege Respondent has failed to comply with the service quality standards required by all Nebraska Eligible Telecommunications Carriers and is therefore in violation of Progression Order No. 1 in Application No. NUSF-26, by failing to keep or comply with sections 002.02 and 002.08 of Title 291 Neb. Admin. Code, Chapter 5.

WHEREAS the Complainants therefore respectfully pray for an Order from the Nebraska Public Service Commission finding the Respondent named herein guilty of the alleged violations and levying an administrative penalty against the Respondents for each violation pursuant to Neb. Rev. Stat. § 75-156, an amount not to exceed \$10,000 dollars per violation per day up to \$2 million dollars per violation per year. The Complainants further pray for an order withholding or reducing Nebraska Universal Service Fund Support distributed to Respondent. The Complainants further request that the Commission grant any other relief it deems appropriate.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Nichole Underhill".

Nichole Underhill, #22492

Staff Attorney

Nebraska Public Service Commission

300 The Atrium Building

1200 N Street

P.O. Box 94927

Lincoln, Nebraska 68509

State of Nebraska)
) ss
County of Lancaster)

VERIFICATION

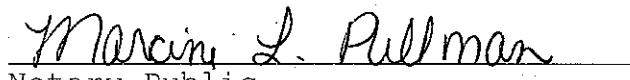
Maurice Gene Hand, being first duly sworn on oath, deposes and says that he is the duly-appointed Director of the Communications Department of the Nebraska Public Service Commission; that he is a Complainant in the forgoing pleading; that he has read the allegations contained therein; and understands them to be true to the best of his knowledge and belief.

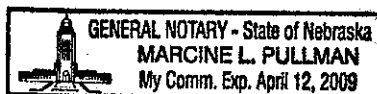

Maurice Gene Hand

Jeffrey L. Pursley, being first duly sworn on oath, deposes and says that he is the duly-appointed Director of the Nebraska Universal Service Fund Department of the Nebraska Public Service Commission; that he is a Complainant in the forgoing pleading; that he has read the allegations contained therein; and understands them to be true to the best of his knowledge and belief.


Jeffrey L. Pursley

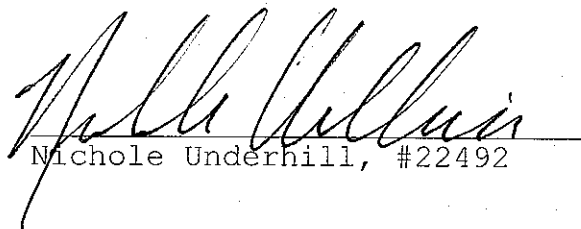
SUBSCRIBED AND SWORN to before me on this 2nd day of March, 2006.


Notary Public



CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above Complaint was sent by First Class United States Mail postage prepaid on 3/2, 2006, to the following: Qwest Corporation, 1801 California, Denver, Colorado, 80202.


Nichole Underhill, #22492

N O T I C E

1. Pursuant to Neb. Admin. R. & Regs., title 291, chapter 1, section 005.09, the Respondent is hereby notified that an answer to this complaint shall be filed and shall admit or deny each material allegation of the complaint. The answer shall assert any affirmative defenses which the Respondent may assert. The answer shall be filed with the Commission within twenty (20) days after service of the complaint. Except for good cause shown, failure to answer will be construed as an admission of the allegations in the complaint. Failure to file an answer or to appear at the hearing allows the Commission to (a) immediately enter an order assessing a civil penalty as provided by law; or (b) to proceed with the hearing and receive evidence of the alleged violations and to assess a civil penalty as provided by law.

2. Pursuant to title 291, chapter 10, section 007.01, the Commission may impose an administrative penalty not to exceed ten thousand dollars (\$10,000.00) for each violation per day up to two million dollars (\$2,000,000) per violation per year.

Communications Dept. Meeting – March 2, 2006

a.) Website development plant

b.) ~~Tests~~

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